

Principles for Guaranteeing Editorial Independence

Proposed by the OSCE Representative on Freedom of the Media

Over the past years, foreign companies have started investing in the media in the emerging democracies. In several countries, foreign ownership is generally high with control exercised over the majority of the print media. In the history of Europe's constitutional culture media play an important and indispensable role for the development of our democracies. The role and therefore the responsibility of the owners of journalistic media go far beyond other market oriented industrial products. In some Western democracies this difference is marked by special tax allowances. These are the reasons why the OSCE Representative on Freedom of the Media is monitoring the situation closely. In general he does not get involved in cases where foreign ownership of media is in line with domestic legislation. However, potential reasons for concern exist, especially regarding the editorial policies of the journalistic media in light of the often fragile state of democracy and rule of law. On the other hand freedom of the media can be strengthened by investments in the media.

The OSCE Representative on Freedom of the Media has approached media companies with international business interests to agree to observe the following principles:

- The ownership structure of all journalistic media, including those that are partly or solely owned by foreign investors, must be known by the public.
- On the editorial independence of the journalistic media, a common code of conduct should be reached between the staff and the board of directors on basic journalistic principles.

This common *code of conduct* shall at least contain the following principles:

- o standing up for human rights
 - o standing up for the fundamental democratic rights, the parliamentary system and international understanding, as laid down in the United Nations Charter
 - o fighting totalitarian activities of any political tendency
 - o fighting any nationalist or racial discrimination
- Any institutional political affiliation of a journalistic media should be clearly and publicly stated.

Should cases of the dismissal of editors-in-chief be controversial, they could be brought before the Representative on Freedom of the Media who would, upon request by one of the parties involved, act as arbitrator, which shall be limited to journalistic matters. He or she would speak out in favour or against the dismissal on the basis of the journalistic principles referred to in the mandate¹. This, however, shall not affect the right to dismiss the editor-in-chief for serious non-journalistic reasons. Furthermore, it shall not exclude the ordinary jurisdiction.

- Where a company holds more than one title, it commits itself to safeguarding journalistic independence and plurality as a contribution to democratisation and to strengthening freedom of the media.

¹“The OSCE Representative on Freedom of the Media may at all times collect and receive from participating States and other interested parties (e.g. from organisations or institutions, from media and their representatives, and from relevant NGOs) requests, suggestions and comments related to strengthening and further developing compliance with relevant OSCE principles and commitments, including alleged serious instances of intolerance by participating States which utilise media in violation of the principles referred to in the Budapest Document, Chapter VIII, paragraph 25, and in the Decisions of the Rome Council Meeting, Chapter X. He or she may forward requests, suggestions and comments to the Permanent Council recommending further action where appropriate”.